

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ALLIANCE OPHTHALMOLOGY, PLLC;
DALLAS RETINA CENTER, PLLC; TEXAS
EYE AND CATARACT, PLLC; AND
HOFACRE OPTOMETRIC CORPORATION,
on behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

ECL GROUP, LLC; ECL HOLDINGS, LLC;
EYE CARE LEADERS HOLDINGS, LLC; EYE
CARE LEADERS PORTFOLIO HOLDINGS,
LLC; INTEGRITY EMR, LLC; INTEGRITY
EMR HOLDINGS, LLC; ALTA BILLING,
LLC; AND ALTA BILLING HOLDINGS, LLC,

Defendants.

1:22-CV-00296

KIMBERLY FARLEY, CHAD FORRESTER,
AND KIMBERLY SANDVIG, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

EYE CARE LEADERS HOLDINGS, LLC,

Defendant.

1:22-CV-00468

SUPPLEMENTAL DECLARATION OF BRIAN YOUNG
REGARDING STATUS OF DISTRIBUTION

I, Brian Young, hereby declare and state as follows:

I am a Senior Project Manager employed by Epiq Class Action & Claims Solutions, Inc. (“Epiq”), the Court-appointed Settlement Administrator for the above captioned cases. I have more than seven (7) years of experience managing all aspects of settlement administration. Prior to joining Epiq in 2017, I received my Bachelor of Business Administration degree from the University of Wisconsin.

The facts in this declaration are based on my personal knowledge, as well as information provided to me by my colleagues in the ordinary course of my business at Epiq, and if called on to do so, I could and would testify competently thereto.

I previously submitted a Declaration dated September 25, 2024, to inform the Court of the status of the initial distribution of the Patient Qualified Settlement Fund and the Physician Qualified Settlement Fund. I have prepared this Supplemental Declaration to provide the Court with an update on the completion of the distributions.

SETTLEMENT FUND

1. Per the Settlement Agreement §3.1, the Physician Qualified Settlement Fund is entitled to a payment of at least \$1,460,449.50 and the Patient Qualified Settlement Fund is entitled to a payment of at least \$2,616,783.00. Additionally, Defendants were to deposit any additional funds that become available into the Physician Settlement Fund.

2. Epiq received a \$1,492,924.03 deposit of proceeds from Defendants' insurance policies into the Physician Settlement Fund. The total amount received was over the minimum required by the Settlement Agreement by \$32,474.53.

3. Epiq received a \$2,616,783.00 deposit of proceeds from Defendants' insurance policies into the Patient Settlement Fund.

ATTORNEYS' FEES

4. On September 9, 2024, Epiq completed payment of attorneys' fees and expenses from the Physician Settlement Fund for Counsel for the Physician Settlement Class in the amount of \$490,919.47, and payment of attorneys' fees and expenses from the Patient Settlement Fund for Counsel for the Patient Settlement Class in the amount of \$872,261.00.

SERVICE AWARDS

5. On October 24, 2024, Epiq completed payment of service awards to the Physician Settlement Class representatives for an aggregate total of \$190,000.00 and On October 17, 2024, Epiq completed payment of service awards to Patient Settlement Class representatives for an aggregate total of \$5,000.00.

CLAIMS PROCESSING AND VALUATION

6. As of the deadline for Settlement Class Members to file a claim of July 24, 2024, Epiq received and processed a total of 205 Physician Claim Forms through the website and by mail. A total of 76 Physician Claim Forms were denied due to uncurable defects consisting of Physician Claim Forms submitted by non-Physician Class Members or duplicate filings. There were no Physician Claim Forms received with curable defects and no Physician Claimants were sent a defect letter. After processing, there were a total of 129 Physician Claimants eligible for a Benefit Payment.

7. Also, as of the deadline for Settlement Class Members to file a claim of July 24, 2024, Epiq received a total of 8,905 Patient Claim Forms through the website and by mail, including 398 Patient Claim Forms that claimed reimbursement for out-of-pocket expenses. Epiq processed all Patient Claim

Forms received and sent 190 defect letters to Claimants that had incomplete, curable claims. After processing defect responses, there were a total of 8,764 Patient Claim Forms eligible for payment including 20 entitled to reimbursement of out-of-pocket expenses. Epiq substantiated the value of out-of-pocket expenses using the supporting documentation provided by Claimants and adjusted the award value per the terms of the Settlement Agreement, which resulted in a total of \$8,052.50 in out-of-pocket awards, with a range of amounts between \$18.98 and \$1,132.52.

AWARD CALCULATIONS

Physician Settlement Fund Awards

8. After payment of Physicians' Attorney fees and expenses, service awards, and \$125,378.63 in administrative expenses and \$18,987.69 in total future anticipated administrative expenses, there remained a Net Settlement Fund of \$672,512.94 available for Physician Class Member Cash Benefit Payments.

9. The value of the Physician Claimant awards was determined by dividing the Net Settlement Fund of \$672,512.94 evenly between the 129 Physician Claimants that submitted a Physician Claim Form eligible for payment, resulting in a *pro rata* award amount of \$5,213.27 for each Physician Claimant.

Patient Settlement Fund Awards

10. After payment of Patients' Attorney fees and expenses, service awards, and \$400,817.41 in administrative expenses and \$157,821.50 in total future anticipated administrative expenses, there remained a Net Settlement Fund of \$1,288,407.61 available for Patient Class Member Cash Benefit Payments.

11. The value of the Patient Class Member Cash Benefit Payments was determined by first reserving \$8,052.50 for the total value of all substantiated out-of-pocket expenses, then the remaining \$1,280,355.11 was divided evenly between the 8,764 eligible Patient Claimants, resulting in a *pro rata* award amount of \$146.09 for each Patient Claimant. For the Patient Claimants entitled to out-of-pocket awards, the additional values of the substantiated out-of-pocket expenses were then added to the associated Patient Claimants' \$146.09 *pro rata* awards, which resulted in a range of payments between \$165.07 and \$1,278.61.

DISBURSEMENT

12. In compliance with the Settlement Agreement §3.11 and the Court's June 27, 2024, Memorandum Opinion, Order, and Final Judgement all initial payments were disbursed with a 120-day stale date.

Physician Payments

13. On December 13, 2024, Epiq mailed 129 check payments for an aggregate total of \$672,511.83 to Physician Claimants.

14. Class Members were given the opportunity to request a reissue by submitting a request either through the settlement website or by a written request to the Settlement Administrator. If a Claimant's award check was returned undeliverable and an email address was provided on the Claimant's Claim Form, Epiq contacted the Claimant by email to obtain a current mailing address and if an updated address was received, Epiq reissued the payment to the new address.

15. Since the initial distribution of Physician Claimants award checks, Epiq reissued a total of 2 award checks, worth an aggregate amount of \$10,426.54.

16. As of April 18, 2025, 119 checks, worth an aggregate amount of \$620,379.13 were timely negotiated by Physician Class Members, and 10 checks worth an aggregate amount of \$52,132.70 were not timely negotiated by Physician Class Members and are now voided. The Settlement Administrator also plans to issue a check in the amount of \$5,213.27 to one Physician Class Member whose claim was originally denied, but later approved after submitting additional information to verify the validity of its claim. This leaves a remaining available balance of \$47,126.79 in the Physician Settlement Fund, including accrued interest after the initial distribution.

Patient Payments

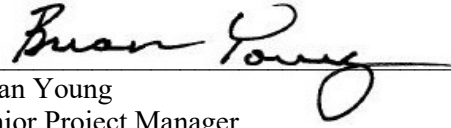
17. On December 13, 2024, Epiq sent 8,727 electronic payment emails with a valid email address for an aggregate total of \$1,282,979.93. The electronic payment email included their award amount and a link to the website where they could make their payment method selection. Epiq mailed 37 check payments for an aggregate total of \$5,405.33 to Patient Claimants entitled to a Cash Benefit Payment who did not provide a valid email address but did provide a valid postal address.

18. Class Members were given the opportunity to request a reissue by submitting a request either through the settlement website or by written request to the Settlement Administrator. If a Claimant's award check was returned undeliverable and an email address was provided on the Claimant's Claim Form, Epiq contacted the Claimant by email to obtain a current mailing address and if an updated address was received, Epiq reissued the payment to the new address.

19. Since the initial distribution of funds, Epiq reissued a total of 2,395 checks, worth an aggregate amount of \$352,245.87 to Patient Claimants.

20. As of April 18, 2025, 7,884 payments, worth an aggregate amount of \$1,159,776.58, were timely negotiated by Patient Class Members and 880 payments, worth an aggregate amount of \$128,608.68, were not timely negotiated by Patient Class Members and are now voided, leaving a remaining available balance of \$140,220.27 the Patient Settlement Fund, including accrued interest after the initial distribution.

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 30, 2025.

A handwritten signature in black ink, appearing to read "Brian Young", is written over a horizontal line.

Brian Young
Senior Project Manager
Epiq Class Action & Claims Solutions, Inc.